

A Public Hearing of the Borough Council of the Borough of Avalon was held on Wednesday, March 13, 2019, at 3:57 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 6

Reporters ----- 2

The Meeting was called to order by Council President Deever.

Pledge of allegiance.

<u>Roll call:</u>	Council President Deever	Present
	Council Vice President Covington	Present
	Councilwoman Hudanich	Present
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Present

Also Present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esq., Borough Solicitor, Gruccio, Pepper, DeSanto & Ruth, P.A.
William Macomber, Director of Public Works/Utilities
Paul E. Short, Sr., Code Enforcement Officer
John Roscoe, Police Captain
Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Public Hearing was published in the March 4, 2019 and March 11, 2019 issues of the Press of Atlantic City and posted on the Official Bulletin Board as required by law.

Application for release of certain deed restrictions upon the premises known as Block 42.05, Lot 4 (4718 Ocean Drive).

James Waldron stated with Council's permission by way of introduction, this property was conveyed by the Borough of Avalon to Antoinette Macchia in 1964. It was subject to multiple conditions. The conditions that were imposed required the grantee to put in a subdivision of six lots. Those lots had to be 6,000 square feet each with a frontage of sixty feet. There were a number of other conditions including water, sewage, streets, claims, none of which are relevant to the application before Council. The simple request here today is to release the deed restriction as to the bulk requirements. Administration has conducted an internal investigation, which involved consulting with the Tax Assessor, Zoning Official, and the Construction Official. As a result, it has been determined that the 1964 deed contained a restriction that required that any subdivision of the property must comply with the then subdivision law, which was Avalon Ordinance 312; active pursuant laws of 1953 and had a minimum frontage and area that was just described. Block 42.05/Lot 4 as it is presently constituted was part of that subdivision and it does contain the minimum square footage and frontage. As Council is aware, NJ adopted the Municipal Land Use Act of 1975, which is NJSA 40:55D-1. The Land Use Act came approximately seven years after the 1964 deed. This particular lot is classified and located in the Zoning District R1-B, the bulk area requirements for that zone are identical with the deed restriction requirements imposed in the 1964 deed. Accordingly, those deed restrictions having been encompassed into the Municipal Zoning Ordinance are no longer necessary and should be released. The Borough of Avalon has adopted a general policy that in the absence of general, specific, and unique situations pertaining to a part deed restriction, the Municipal Land Use Ordinance as enacted pursuant to master plan, should be the controlling force. Administration believes this is the situation with respect to this application. The internal investigation by the Administration and the effected departments has shown no reason not to go by the general policy. It is Administrations recommendation and that of the relevant department heads that Council consider favorably releasing the deed restriction.

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Councilman McCorristin: stated basically this is following suit of the Boroughs current zoning requirements. Councilman McCorristin wanted confirmation this is for the release from terminology that was in the deed restriction in 1964.

James Waldron confirmed.

Council agreed to proceed with a Resolution releasing the deed restriction to be considered at tonight's Regular Meeting.

Motion made by Council Vice President Covington, seconded by Councilwoman Hudanich to adjourn the Public Hearing.

<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilwoman Juzaitis	Aye
	Councilman McCorristin	Aye
	Council President Deever	Aye

Public Hearing adjourned at 4:03 p.m.

Respectfully submitted,


C. Danielle Nollett, Borough Clerk


James Deever, Council President